

PLANNING BOARD MEETING MINUTES

Minutes of the Augusta Planning Board meeting held on May 10, 2016

Board members present: Justin Poirier, Alison Nichols, Steve Dumont, Bill McKenna, Delaine Nye, Heather Pouliot

Board members absent: Tom Connors, Corey Vose, Pete Pare

City staff present: Matt Nazar, Lionel Cayer, Betsy Poulin

Guests present: Rick Tardiff, Jim Coffin, Dennis Brockway, D. Blaney, B. Bourret, Ms. Conley, Norma Brewer, Cecil Munson, Corey Lathrop.

Public Hearing: Minor Development. Application of JS McCarthy to build a 14,400 SF addition with a 770 SF compactor shed to the existing JS McCarthy building with associated parking and stormwater improvements. Assessor's Map 5A, Lot 53 and a portion of Lot 32. Located at 15 Darin Drive in the Industrial District (IA) with a Stream Protection 50 (SP50) Shoreland Overlay Zone.

Matt Nazar gave an overview of this agenda item.

Alison: On page 5 of the Staff Review, there is a note about the Bufferyard D being added, where exactly is this located?

Matt: The plantings will only be adjacent to the disturbed area, nearest to Leighton Road.

Applicant: Rick Tardiff, J.S. McCarthy: Rick shows an image of the building. The compactors are currently outside, so building for them will cut down on debris blowing around and protect the compactors.

Public Hearing Opened:

Public to Speak in Favor of the Application: None.

Public to Speak Against the Application: None.

Public to Speak Neither for nor Against the Application: None

Public Hearing Closed.

Board Discussion:

Delaine: This is wonderful, happy that J.S. McCarthy can stay in the area.

Motion by Alison: This is concerning the application of Rewitts LLC, Rick Tardiff, for a Minor Development Review as per Sections 300-405 and 300-603.E. The applicant is proposing to

construct a 14,400 sq ft addition with a 750 square foot compactor shed to the existing JS McCarthy building. This redevelopment on the site includes modifications to stormwater systems and reconfiguration of on-site parking and vehicular circulation. The project is located at 15 Darin Drive in the Industrial District (IA) and the Stream Protection 50 Shoreland Overlay Zone (SP50) and can be found on Tax Map 5A, Lot 53 and part of Lot 32.

I have considered and agree with the Findings of Fact in the staff review. I have also considered and agree with the Conclusions of Law as presented. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance.

I move to approve the application as above.

Second: Steve.

Discussion. None.

Vote: 6:0. All in Favor. Motion passes.

Public Hearing: Subdivision Amendment. Application of SDG Investors, LLC to initiate Phase 2 of the Woodland Ridge Condominium development including 6 condominium units and associated roadway and stormwater improvements. Assessor's Map 78, Lots 25, 27, 28, 91, 97, 100, 103, 103B. Located at Stone Ridge Drive in the Low Density Residential District (RA).

Matt Nazar gave an overview of this agenda item.

Applicant: Dennis Brockway, SDG Investors, LLC. With regards to the new portion of the street, it will be built to City specifications. It will be the intent of the association to turn the street over to the city. The paving for Phase I is nearly completed; loam and ground work should be completed by the end of the week. The intent is to continue to the east end of the project to build out those 3 buildings and construct the road and utilities as needed. The pond will be carried on into the second phase of the project when Phase I is approved.

Justin: Is it the intent to turn over all of the road to the City?

Dennis: Yes.

Delaine: What is the layout of the units?

Dennis: The buildings vary in size, starting at 2,200 SF for 2 units to 3,300 SF for 2 units.

They have single car garages. With either an unfinished basement or a second story that is unfinished.

Public Hearing Opened:

Public to Speak in Favor of the Application:

Norma Brewer: Has been in some of the buildings and they are very nice and well done.

Public to Speak Against the Application: None.

Public to Speak Neither for nor Against the Application: None.

Public Hearing Closed.

Jim Coffin, Coffin Engineering and Surveying. We are simply here for the approval of Phase II. Money will be held in escrow for roadway and utility improvements to be completed. The applicant wants to carry the existing bond into Phase II.

Dennis Brockway. Ideally, the letter of credit for Phase I when completed can be carried into Phase II.

Matt: The concern with financial sureties is that units are sold before the utility and roadway improvements are completed. The financial surety protects the new owners so the improvements are completed.

Jim: The City plows between Windy and Glenn now. Jim has had these conversations with Jerry Dostie about the roads.

Alison: We should leave the condition of the letter of credit in the motion?

Matt: Yes, that sounds good.

Board Discussion: None.

Motion by Alison: This is concerning the application of SDG Investors, LLC, for a Subdivision Amendment Review as per Sections 300-405 and 300-603.E. The applicant is initiating Phase II of The Woodland Ridge Condominium Project originally approved by this Planning Board in 2012. The project is located on Stone Ridge Drive in the Low Density Residential District (RA) and can be found on Tax Map 78, Lots 25, 27, 28, 91, 97, 100, 103, 103B.

I have considered and agree with the Findings of Fact in the staff review. I have also considered and agree with the Conclusions of Law as presented. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance with the following condition.

1. A performance bond, letter of credit, or other device shall be established to cover the construction site road, sidewalk, water, sewer and drainage improvements.

I move to approve the application as stipulated above

Second: Bill.

Discussion: None.

Vote: 6:0. All in Favor. Motion passes.

Public Hearing: Minor Development. Application of Shuman Family Second, LLC to build a 1,224 SF addition to the existing Charlie's Nissan building adjacent to Shuman Avenue. Assessor's Map 9, Lot 12B. Located at 465 Western Avenue in the Regional Business District (CC).

Matt Nazar gave an overview of this agenda item.

Applicant: Jim Coffin, Coffin Engineering and Surveying agent for Shuman Family Second, LLC. Charlie is on his way. Public utilities are already in place. One building light is proposed.

The hardest part of the project was figuring out where to put the roof leader. Charlie will propose new development down at the end of Shuman Avenue at some point.

Alison: Will the lighting be full-cutoff?

Jim: Yes, a copy is provided in the application.

Public Hearing Opened:

Public to Speak in Favor of the Application: None.

Public to Speak Against the Application: None.

Public to Speak Neither for nor Against the Application:

Public Hearing Closed.

Board Discussion: None.

Motion by Alison: This is concerning the application of Shuman Family Second, LLC for a Minor Development Review as per Sections 300-405 and 300-603.E. The applicant proposes to build a 1,224 square foot addition to the existing Charlie's Nissan building. The project is located at 465 Western Avenue in the Regional Business District (CC) and can be found on Tax Map 9, Lot 12B.

I have considered and agree with the Findings of Fact in the staff review and would like to add the following finding(s):

1. The applicant has requested two waivers, one from the Stormwater Management requirements and one from the Traffic Report requirements. As staff has no concerns and supports these waiver requests, these waivers are granted.

I have also considered and agree with the Conclusions of Law as presented. I believe the project is able to meet the standards of our Land Use Ordinance.

I move to approve the application.

Second: Delaine.

Discussion: None.

Vote: 6:0. All in Favor. Motion passes.

Public Hearing: Minor Development and Conditional Use. Application of R.A. Cummings, Inc. to build a 1,920 SF garage for their Auburn Concrete facility. Assessor's Map 1, Lot 37A. Located at 2 Hard Rock Road in the Planned Development District (PD).

Matt Nazar gave an overview of this agenda item.

Applicant: Jim Coffin, Coffin Engineering and Surveying, agent for the applicant. The area where the garage is proposed is loose rock. There will be no increase of impervious area. It is old, unstable rock, no blasting is proposed. The garage is 40'x48' to house the concrete trucks. No floor drain. There are wall packs on the side and they are full-cutoff.

No public is present to comment.

Board Discussion:

Alison: Happy with Auburn Concrete's presence, they have done a good job with their facility.

Delaine: Agrees with Alison.

Justin: Works across the street and he agrees with Alison and Delaine.

Motion by Alison: This is concerning the application of R.A. Cummings Inc., for a Minor Development and Conditional Use Review as per Sections 300-405 and 300-603.E. The applicant proposes to build a 1,920 square foot garage on an existing impervious surface. The project is located at 2 Hard Rock Road in the Planned Development District (PD) and can be found on Tax Map 1, Lot 37A.

I have considered and agree with the Findings of Fact in the staff review and would like to add the following finding:

1. The applicant has requested two waivers, one from the Stormwater Management requirements and one from the Traffic Report requirements. As staff has no concerns and supports these waiver requests, these waivers are granted.

I have also considered and agree with the Conclusions of Law. I believe the project, as presented to us this evening, is able to meet the standards of our Land Use Ordinance.

I move to approve the application.

Second: Steve.

Discussion. None.

Vote: 6:0. All in Favor. Motion passes.

Matt: Great job to the Board with reviewing these projects tonight. Thank you to Betsy to working with the applicant and creating a thorough staff review.

Workshop: Planned Development 2 District (PD2). Addition of the land use "Manufactured housing park/land lease community."

Matt Nazar gave an overview of this agenda item. There are three options. One is to add the use "manufactured housing park/land lease community" into the PD2 Zone. The second option is to rezone the property to PD, which allows the use. The third option would be to rezone the existing and proposed parks to RB1, which would not be considered spot zoning as it is

adjacent to RA. There are a few differences between RB1 and RA. RB1 allows a higher density due to public water and sewer and allows the manufactured housing parks. What direction should be followed for a Public Hearing?

Alison and several other members suggest pursuing RB1.

Cecil Munson: Would that only be RB1 in this one location?

Matt: Yes.

Matt: We will proceed with a Public Hearing on June 14th to pursue this option.

Workshop: Maine Armory, 179 Western Avenue. Rezoning and signage discussion.

Matt Nazar gave an overview of this agenda item. A National Guard Colonel approached Matt and asked about switching out the sign at the Armory to something more modern. They would like a changeable message board. They are in the GS, Government Services District, which does not allow this type of signage. There are a few ways to deal with this item. The Armory could be rezoned to a commercial district which allows these signs, or the Planning Board could add changeable signage to the GS District. How would the Planning Board like to proceed?

Justin: The signs are distracting. Would prefer the signs only to be allowed on Western Avenue.

Alison: Maybe the signage could be dimmed at night?

Delaine: Signage is not very attractive.

Matt: Messages can change every 4 seconds. He has done a lot of reading about brightness, and has ideas as to how to address this. At this particular location, the lighting of a sign would be less distracting since it is very well lit already.

Justin: The sign at the Cony Circle Credit Union is very bright and distracting.

Alison: There is a strange boundary that diagonally cuts across the abutting properties. Changing the GS Zone to the adjacent zoning (CC) will also correct what seems to be an error. She passes the zoning map to the other members to view.

Matt: The two options for the rezoning are CC and CB. Review of the signage size standards for both zones is the same size, setback, etc.

Delaine: Who owns the property behind CN Brown?

Matt: The property will be very hard to develop.

Alison: Government Offices are allowed in the CC, so it will not be changed to a non-conforming use.

Matt: We will move forward with holding a Public Hearing on June 14th to change the zoning in this area to CC, Regional Business District.

Workshop: Land Use Ordinance. Proposed revisions per discussions with Corporation Counsel.

Matt Nazar gave an overview of this agenda item. This item relates to last week's BZA Hearing. Corporation Counsel suggested some revisions to the Land Use Ordinance. The Comprehensive Plan is a policy document adopted by City Council, used to adopt regulatory measures in the Land Use Ordinance. The Comprehensive Plan should not be referenced as a standard for review. The recommendation is to remove any reference to the 2007 Comprehensive Plan. If there is vagueness in the Land Use Ordinance, the Comprehensive Plan could be referenced, for example: Neighborhood Compatibility. Some revisions can be proposed by staff for a Public Hearing.

Delaine: Reference to the 1988 Growth Management Plan to be removed as well?

Matt: Yes, those would be removed.

Delaine: There is reference to the "adopted elements" is in some staff reviews.

Matt: The entire document, Comprehensive Plan, was adopted, not a just a portion of it.

Matt: If there are areas in the LUO that do not have as much definition as the Comprehensive Plan would hope for, the Planning Board can suggest revisions to the Land Use Ordinance.

Delaine: Should a workshop be scheduled?

Matt: Proposal is to just remove the 2007 Comprehensive Plan and 1988 Growth Management Plan References. If other revisions are required, those could be worked on as well. There could be multiple areas requiring attention. The Land Use Ordinance, by State Law, has to be consistent with the Comprehensive Plan.

Delaine: The Comprehensive Plan requires an update soon, right?

Matt: Yes, in the next few years.

Delaine: Understands the reason for taking the Comprehensive Plan references out. Had some concerns with how the subdivision was designed. She understands that the Land Use Ordinance could be revised to make the Board's decisions feel more comfortable.

Matt: With regards to questions about quality of the land, the best thing to do could be to table and application and ask the applicant to bring back more information to clarify those fuzzy areas (steep slopes, wetlands, etc). The Planning Board is well within reason to ask for more technical information to feel comfortable that the application meets the standards of the ordinance.

Delaine: If City Staff feel the standards are met, can the Planning Board request more information?

Matt: Yes, the Planning Board could second guess staff, but probably not on good standing. The Board should not feel they need to review an application in a single meeting, they can always request more information to be comfortable with their decision.

Alison: Andy Dunbar, is on the BZA, and works for Thayer Engineering. He asked if the Board considered tabling the application.

Delaine: Impressed by the process with the Board of Zoning Appeals.

Alison: Agrees.

Delaine: It was an interesting experience.

Matt: The BZA could only look at what was being appealed. If the Planning Board decision was overturned, the BZA could attach conditions only in relation what was being appealed. They did not get to hear new information, only review the transcript and material the Planning Board reviewed.

Tom: Was taken aback by the site visit item discussed.

Matt: This issue was discussed but it was not part of the decision by the BZA for overturning the decision. It is a tricky question relating to due process. The Planning Board is a quasi-judicial Board. The MMA manual states that site visits by individual members or more than one group of members can not include any discussion about the site. If you visit the site, you go, you look, you leave. And, you disclose that at the meeting. The MMA manual notes that you can still run into legal issues using this method. The Board members should not go onto a property, only view from the private way. Another option is to have site visits scheduled, having 2 meetings per application (one site visit then the regular hearing) or schedule a site visit just prior to the public hearing on the same day. Another option is to have staff take lots of pictures and video available for review at the Board meetings. The Board could also schedule a site visit after a Public Hearing, before making a decision.

Delaine: Finds site visits invaluable. She needs to see the sites. The pictures don't tell the whole story.

Alison: Feels the pictures aren't quite adequate as well.

Delaine: What if we schedule site visits and people don't come?

Matt: That is OK. Board members need to have a brief discussion about the site visit at the Board meeting. An affidavit could be signed by the members who miss the site visit. Site visits prior to any Planning Board discussions are less troublesome than those after deliberations have started.

Justin: Could more issues be created when board members miss the site visit?

Matt: Potentially, but the risk is lower with the affidavit. The tighter a decision is made, the better it is for everyone.

Delaine and Alison would like site visits. Maybe a video backup could be made for those who miss the site visit?

Delaine: Many applicants ask if we have seen the site.

Justin: Do many people visit the sites?

Steve does. Many board members visit them only if they are unfamiliar with the properties.

Justin: Worries the site visits will bog down the process. He would prefer a case by case basis for site visits.

Delaine: Certain sites would be good to view. The ones tonight wouldn't have warranted a visit. Feels the Garden Center on North Belfast Avenue was good to view and subdivisions would be good to view.

Matt: It could be hard for Staff to know who is familiar with what for determining where site visits are necessary.

Justin: This is the first time the site visits have come up, and Matt has been here 10 years.

Matt: Can check with Corporation Counsel about the rules for individual site visits.

Justin: Could information from MMA and Corporation Counsel be distributed to the Board.

Matt: Yes.

Alison: At the BZA meeting, the applicant felt that the site visits were done with good intentions.

Matt: We will proceed with a workshop at the next meeting regarding revisions to the Land Use Ordinance.

Minutes

April 12, 2016 Minutes

Motion by Alison to approve the minutes as written.

Second: Steve

Vote: 5:0:2. Heather and Delaine abstained as they were not present at the meeting. Corey

Voted. Motion passed.

Adjourn

Motion by Tom to adjourn at 9:06 pm.

Second: Delaine.

Further Discussion. None.

Vote: 5:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.